

**REMARKS**

Reconsideration of this application is respectfully requested. Petition is hereby made for a five-month extension of time from the March 4, 2010 due date for filing an Appeal Brief in this application, after a Notice of Appeal was filed in this application on January 4, 2010, to respond to the outstanding Final Office Action, mailed July 1, 2009, by filing a Request for Continued Examination, along with this Amendment After Final Rejection.

Although the fees for the extension of time and the Request for Continued Examination are being submitted with this Amendment, the Commissioner is hereby authorized to charge any fees that should have been filed at this time to our Deposit Account No. 14-1140.

Claims 1, 5-56, 58-77 and 80-155 are pending in the application. Claims 5-16, 20-55, 61-77 and 80-82 have been withdrawn from consideration and claims 2-4, 57, 78 and 79 have been cancelled. Upon entry of this Amendment, claims 1, 17-19, 56, 59, 60, 83-93, 95-97, 99-133, 136, 145, 147-151 and 155 will be amended. In addition, withdrawn claims 53 and 81-83 will also be amended.

In the outstanding Final Office Action, the Examiner rejected claims 1, 56, 58-60 and 83-155 under 35 U.S.C. §103(a) as being unpatentable over Vincent (USPN 5,601,604) in view of Furst (U.S. Pub. No. 2002/0099438).

Amended independent claims 1, 56, 83, 87, 91, 99, 103, 107 and 155 have now been amended to recite that either the base material or the means for making the constricting means self-supporting recited in such claims is comprised of a layer of polyurethane and a

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layer of silicone. Applicant contends that this combination of materials has advantageous effects and is not disclosed in the cited Vincent or Furst references, either alone or in combination, as a base material or means for making self-supporting the implant provided with a property improving means. In this regard, Applicant repeats and incorporates herein those comments regarding the cited Vincent or Furst references set forth in the Amendment filed on April 2, 2009. Applicant also contends that the polyurethane provides a resistance to wear due to bending which, in combination with the properties of silicone, is unexpectedly good.

The undersigned was reminded by Applicant's Swedish patent counsel that the "layer of polyurethane and the layer of silicone" feature was introduced in the claims of Applicant's related, co-pending U.S. applications covering a multi-material feature also covered in this application, namely application Serial No. 10/522,540, titled "Durable Implant", Serial No. 11/889,756 titled "Multi-Material Incontinence Treatment Constriction Device", and Serial No. 10/522,538, titled "Multi-Material Penis Constriction Device". The undersigned notes that a Final office Action was issued in the '756 application on March 25, 2010, subsequent to the filing of an Amendment in the '756 application on January 11, 2010 similarly introducing this feature.

In reviewing the foregoing related applications at this time, the undersigned now notes that Office Actions have been issued in those applications in which references different from those cited in this application have been applied against the claims in those applications. The Examiner's attention is directed to the USPTO Image File Wrappers for

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these patent applications as containing copies of such office actions. **If the Examiner wishes to have separate copies of any or all of this information, the Examiner is urged to contact the undersigned at the telephone number listed below, so that any such information desired by the Examiner can be provided.**

An Information Disclosure Statement identifying those application of Applicant covering subject matter relating in some regard to a multi-material device and/or separate cells is being submitted with this Amendment After Final Rejection.

In view of the foregoing, Applicant believes that all of the claims remaining in the application, *i.e.*, claims 1, 17-19, 56, 58-60 and 83-155, are now in condition for allowance, which action is earnestly solicited. If any issues remain in this application, the Examiner is urged to contact the undersigned at the telephone number listed below.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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